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10/029,537	12/21/2001	Martyn Ryder	1650-003	4706

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EXAMINER

A, PHI DIEU TRAN

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 01/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/029,537

Applicant(s)

RYDER, MARTYN

Examiner

Phi D A

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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1. The drawings were received on 10/23/03. These drawings are to figures 1a-1c, and figure 4 are approved.

***Claim Objections***

1. Claims 14-15 are objected to because of the following informalities:

Claim 14 line 2 “ i-n” is improper. Should it be “ in”?

Appropriate correction is required.

2. Claim 11 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The limitation in claim 11 is encompassed by the newly amended limitation in claim 1.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-11, 14-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Bain (4911191).

Bain shows a containment assembly (11, figure 1) comprising a powder handling booth having a rear wall (13), a floor (figure 1, where part 39 rests on), an upper surface (the wall facing the back 21 of operator in figure 1), a barrier means (11 ) at least a first part of which

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comprising a flexible material, the barrier means being positioned in the booth and spaced apart from the rear wall (13) to define a processing zone between the barrier means and the rear wall, the barrier means extending from the upper surface at least substantially to the floor of the powder handling booth(edge of the barrier starting from the upper surface and going toward the floor), wherein the first part (22, 23) of the barrier means is adapted or adaptable to permit the operator in the booth outside the zone to operate inside the processing zone, more than the first part of the barrier means comprising a flexible material, substantially the whole of the barrier means comprising of a flexible material, the barrier means being a screen barrier/curtain type screen barrier, the barrier means comprising an enclosure barrier, the enclosure barrier consists essentially of a front sheet(the part where first parts 22, 23 go into), a first side sheet, a second side sheet, the enclosure barrier enclosing the processing zone when the enclosure barrier is positioned in the powder handling booth spaced apart from the rear wall, substantially the whole of the front sheet is composed of flexible material, substantially the whole of the first side sheet is composed of flexible material, at least the front sheet is adapted or adaptable to permit the operator in the booth outside the processing zone to operate inside the processing zone, the barrier means extending at least between the upper surface and the floor of the booth, the first part of the barrier means comprising at least one flexible portion (22, 23) in the shape of a glove having a flexible sleeve terminating into a glove end, the barrier means being at least partially transparent, the barrier means comprising a transparent window at or near to a typical operator's eye height (inherently so as the operator can see through the barrier to work inside).

3. Claims 1-2, 4-7, 10-11, 13-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Szatmary (5997399).

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Szatmary shows a containment assembly comprising a powder handling booth (10) having a rear wall (26, figure 2 top) a floor (28, working floor), an upper surface (16), a barrier means (48 and 26 bottom figure 2) at least a first part (46, 44) of which is composed of flexible material, the barrier means being positioned in the powder handling booth and spaced apart from the rear wall (by the spacer and supports 49) to define a processing zone between the barrier means and the rear wall, the barrier means extends from the upper surface (16) at least **substantially** to the floor (28) of the powder handling booth, the first part of the barrier means being adapted to permit the operator in the powder handling booth outside the processing zone to operate inside the processing zone, more than the first part of the barrier means being composed of flexible material (figure 2 shows first, second, third, and fourth parts 44, 46), the barrier means (48) being a screen barrier (screen: Webster → something that shelters, protects or hides), the screen barrier being a curtain-type screen barrier (curtain: Webster → a device that conceals or acts as a barrier), the barrier means being an enclosure barrier (figure 4), the enclosure barrier consists essentially of a front sheet (26, figure 2 bottom), a first side sheet (48 right, figure 2), a second side sheet (48 left figure 2) which when positioned in the powder handling booth spaced apart from the rear wall encloses the processing zone (20), at least the front sheet is adapted to permit the operator in the powder handling booth outside the processing zone to operate inside the processing zone (20), the barrier means extends at least between the upper surface (16) and the floor (28, working floor) of the powder handling booth, the barrier means being bound within a rigid framework (14, 15, 24) to define a self contained unit, the first part of the barrier means (44, 46) comprises at least one flexible portion in the shape of a glove or at least one flexible portion capable of being deformed into the shape of a glove, the flexible portion terminating in a

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gloved end (figure 1), the barrier means being at least partially transparent (col 4 line 37), the at least partially transparent flexible barrier means (a part is not claimed to be both transparent and flexible, the barrier can have a part flexible and a part transparent) comprises a transparent window at or near to a typical operator's eye height, the containment assembly is a down flow containment assembly (figure 1) further comprising means for inducing air flow downwardly in the powder handling booth, the rear wall having a lower end (30) and an upper end (figure 1 in contact with part 49) and is adapted at or near the lower end to transmit externally an air flow (40) and adapted at or near to the upper end to transmit internally the air flow (40, by the flow fan 22).

4. Claims 1-6, 13-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Trexler (3348890).

Trexler shows a containment assembly comprising a booth of sufficient size to admit an operator, the booth having a rear wall (28), a floor (42), an upper surface (24), a barrier means (52, figure 4) at least a first part of which is composed of flexible material, the barrier means being positioned in the booth and spaced from the rear wall to define a processing zone between the barrier means and the rear wall (28), the barrier means extends from the upper surface (24) at least **substantially** to the floor (42) of the powder handling booth, the first part (60) of the barrier means being adapted to permit the operator in the booth outside the processing zone to operate inside the processing zone, more than the first part of the barrier means being composed of flexible material (the head or body part of the barrier 52) is composed of flexible material, substantially the whole of the barrier means (52) is composed of flexible material, the barrier means being a curtain type screen barrier (see definition to curtain and screen described above),

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the barrier means being an enclosure barrier, the barrier means being bound within a rigid framework (34, 38) to define a self contained unit, the first part of the barrier means comprising at least one flexible portion (60) in the shape of a glove, a flexible glove (60) terminating in a gloved end, the barrier means being at least partially transparent (col 3 line 10), transparent window at or near a typical operator's eye height (inherently so as the material is clear).

5. Claims 1-6, 11-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Brendgord (3744055).

Brendgord (figures 1-2) shows a containment assembly having a powder handling booth (col 2 lines 4-10) of sufficient size to admit an operator, the booth having a rear wall (25), a floor, and an upper surface (28), a barrier means (12, 14, 21, 15) at least a first part which comprises a flexible material, the barrier means being positioned in the powder handling booth and spaced apart from the rear wall (25) to define a processing zone between the barrier means and the rear wall, the barrier means extending from the upper surface at least substantially to the floor of the powder handling booth and wherein the first part(14) of the barrier means is adapted or adaptable to permit the operator in the powder handling booth outside the processing zone to operate inside the processing zone, more than the first part of the barrier means comprising a flexible material, substantially the whole of the barrier means is composed of flexible material, the barrier means comprising a screen barrier (the clear plastic is a screen barrier in addition to the head portion 21), the screen barrier comprising a curtain type screen barrier, the barrier means comprising an enclosure barrier (enclosing the inside environment from the outside), the barrier means extends at least between the upper surface and the floor of the powder handling booth, the barrier means comprising a lower edge (bottom of boot 15) that extends onto the floor,

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the lower edge comprising an excess of flexible that rests on the floor (inherently so as the entire boot rests on the floor), the barrier means is bound within a rigid framework to define a self contained unit, the first part of the barrier means comprising at least one flexible portion in the shape of a glove (14) or at least one flexible portion capable of being deformed into the shape of a glove, the flexible portion comprising a flexible sleeve terminating in a gloved end, the barrier means being at least partially transparent, the at least partially transparent flexible barrier means comprising a transparent window at or near to a typical operator's eye height (21).

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.
2. Applicant's arguments filed 10/23/03 have been fully considered but they are not persuasive.

With respect to applicant's argument that Szatmary does not show a "floor" as it is clear that a floor is a surface upon which the operator stands. Examiner respectfully disagrees. First of all, if a "floor" needs to mean only "a surface upon which the operator stands on", applicant is encouraged to put the language in the claim to clarify the limitation of "the floor". Secondly, when a person looks at a multiple story structures, is it the bottom platform or any interlayered platform that is considered the floor. Certainly, the floor would be any interlay of the multiple stories structure, and not limited to the very bottom platform only. As interpreted, Szatmary also shows the barrier means extending from the upper surface at least **substantially** to the floor. The argument is thus moot.



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Applicant states that Szatmary does not show a booth that is of sufficient size to admit an operator, examiner respectfully disagrees. It is clear that the circumference of the booth includes the areas covered by parts 84, 82. The booth clearly is sufficient to admit an operator as shown. The argument is thus moot.

With respect to applicant's argument to Trexler per the "floor", examiner respectfully points out the interpretation of the "floor" stated above. The argument is thus moot.

### ***Conclusion***

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 703-306-9136. The examiner can normally be reached on Monday-Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Phi Dieu Tran A  
January 12, 2004

PA

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